

Labourers (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Amendment of law as to representation.
2. Improvement scheme without representation.
3. Improvement scheme where land not taken compulsorily.
4. Improvement scheme where land taken compulsorily.
5. Appeal to judge of assize.
6. Powers of Local Government Board to be exercised by county councils.
7. Limit of time for giving answers.
8. Standing Committee and expenses.
9. As to inquiries on behalf of county council.
10. Regulations as to letting of cottages and allotments.
11. Amendment of 3 Edw. 7. c. 37. s. 96. with respect to schemes.
12. Power to Local Government Board to appoint officers on default of district councils.
13. Amendment of 54 & 55 Vict. c. 48. s. 5 (2) (b) with respect to application of residue of Exchequer contribution.
14. Advances to be made by county council to district councils and officers.
15. Tenancy under Labourers Acts to be disqualification for membership of district council.
16. Advances to labourers for purchase of parcels of land.
17. Returns by district councils.
18. Rules.
19. Construction.
20. Duration of Acts.
21. Definitions.
22. Construction and citation.
23. Short title.
24. Commencement of Act.
25. Repeals.

SCHEDULE.

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B I L L

TO

Amend the Law relating to Labourers' Dwellings in Ireland. A.D. 1904.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. A representation under the Labourers Acts shall be sufficient for all the purposes of those Acts if it represents that the circumstances of the section of the rural district to which it relates are such that it is the duty of the district council to take proceedings under the Labourers Acts therein. Amendment of law as to representation.
2. A rural district council may, if they think fit, after giving such notices as are required by section four of the Act of 1883, as amended by section one of the Act of 1896, make an improvement scheme under the Labourers Acts for any section of their district notwithstanding that a representation has not been made to them in relation to that section. Improvement scheme without representation.
3. Where in an improvement scheme it is not proposed that any land shall be taken compulsorily, or that any house accommodation shall be provided, the scheme shall become absolute and take effect without confirmation subject to the sanction of the Local Government Board to any loan required for the purposes of the scheme. Improvement scheme where land not taken compulsorily.
4. Where in an improvement scheme it is proposed that any house accommodation shall be provided or any land shall be taken compulsorily— Improvement scheme where land taken compulsorily.
 - (1) The district council may apply to the county council to confirm the scheme, and the county council shall inquire into the application:

[Bill 121.]

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A.D. 1904.

- (2) If on any such application a county council are satisfied that the circumstances are such as to justify the county council in proceeding under this section and, in the case of a scheme in which it is proposed that any land shall be taken compulsorily, that suitable land for the purposes of the scheme cannot be acquired by agreement and on reasonable terms, they shall cause such public inquiry to be made in the rural district, and such notice, to be given both in the rural district and to the owners, lessees, and occupiers of any land proposed to be taken, as may be prescribed, and all persons interested shall be permitted to attend at the inquiry and to support or oppose the confirmation of the scheme:
- (3) After the completion of the inquiry and considering all objections made by any persons interested, the county council may make an order confirming the scheme with or without modifications, and, where it is proposed that land shall be taken compulsorily, authorising the district council to put in force, as respects the said land, or any part thereof the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, as amended by the provisions of the Second Schedule to the Housing of the Working Classes Act, 1890:
- (4) In the construction of the provisions of the said Schedule, the expression "the local authority" shall mean the district council, the expression "the confirming Act" shall mean the order confirming the scheme, and the expression "the confirming authority" shall mean the Local Government Board, and any reference to Part I. of the said Act of 1890 shall not have effect:
- (5) If the county council refuse to make any such order, they shall furnish the Local Government Board with the reasons for their refusal, and, in the event of an application being made to that Board by the district council, the Board may, if satisfied that the said reasons are insufficient, make the order, and this section shall apply with the necessary modifications as if the order had been made by the county council, and the order shall be subject to petition and appeal as hereinafter provided:
- (6) A copy of any order of a county council made under this section shall be served in the prescribed manner,

53 & 54 Vict.
c. 71.

together with a statement that the order will become final and have the effect of an Act of Parliament, unless within the prescribed period a petition by some person interested is presented to the Local Government Board praying that the order shall not become law without further inquiry :

- (7) The order shall be deposited with the Local Government Board, who shall inquire whether the provisions of this section and the prescribed regulations have been in all respects complied with, and if the Board are satisfied that this has been done, then after the prescribed period—

(a) If no petition has been presented, or if every such petition has been withdrawn, the Board shall without further inquiry confirm the order, with such amendments (if any) as may appear necessary for giving effect to the order ;

(b) If a petition has been presented and not withdrawn, then unless the district council notify the Local Government Board of their intention to withdraw the improvement scheme, or the part thereof, as the case may be, to which the petition relates, the Board shall direct a local inquiry to be held, and shall after such inquiry either confirm, with or without amendment, or disallow the order ;

(c) Upon any such confirmation the order shall, subject to the provisions of this Act with respect to appeals, become final and conclusive as to all questions whatsoever, including the necessity for the scheme and for the accommodation thereby provided, and have the effect of an Act of Parliament, and the confirmation by the Local Government Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made, and is within the powers of this Act :

- (8) Section ten of the Act of 1886 and section two of the Act of 1896 (relating to petitions against part of a provisional order) shall apply with the necessary modifications in the case of a petition presented under this section :

- (9) Sections two hundred and nine to two hundred and thirteen so far as unrepealed, and subsections one and two of section two hundred and fourteen of the Public

A.D. 1904.

41 & 43 Vict.
c. 52.

Health (Ireland) Act, 1878, shall apply to a local inquiry held on behalf of the Local Government Board for the purposes of this section, as if those sections and sub-sections were herein re-enacted and in terms made applicable to such inquiry.

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Appeal to
judge of
assize.

5.—(1) The owner, or reputed owner, or occupier, of any land proposed to be taken compulsorily by an improvement scheme confirmed by the Local Government Board may, subject to the provisions of this section, appeal against the Order of that Board to the judge of assize, on the ground that the scheme, or any part thereof, will, by reason of the inclusion therein of any site, interfere with his demesne, or amenity of residence, or with any home farm or land immediately adjoining and customarily occupied with his residence, or will unreasonably obstruct the user or enjoyment of any other land in his ownership or occupation :

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Provided that an appeal shall not lie if the question raised thereby could have been, and was not, raised at the inquiry held on behalf of the Local Government Board.

(2) The judge of assize shall hear the appeal and determine all questions arising thereon, and may either dismiss the appeal or disaffirm the Order, or amend the Order by excluding therefrom the land forming the subject matter of the appeal.

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(3) Any Order disaffirmed by the judge of assize shall have no effect, and any Order amended by him shall have effect as so amended.

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(4) The Local Government Board, the county council, or the district council may appear on the hearing of any appeal under this section.

(5) The judge of assize may award costs to be paid by or to parties to any proceedings under this section.

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(6) Rules of court regulating the practice and procedure and costs respecting appeals to, and proceedings before, the judge of assize under this section, and prescribing the time within which an appeal may be brought, may be made by the authority having power to make rules of court for the Supreme Court.

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Powers of
Local
Government
Board to be
exercised
by county
councils.

6. There shall be exercisable by the county council the powers conferred on the Local Government Board by section fifteen of the Act of 1885, relating to amendments in schemes, section sixteen of the Act of 1886 relating to the exchange of sites, and section six of the Act of 1891, relating to the amendment of errors in schemes.

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7. In section twenty-one of the Act of 1885, which prescribes the time within which answers may be given to notices, fourteen days shall be substituted for one month.

A.D. 1894.

Limit of time for giving answers.

Standing Committee and expenses.

8.—(1) For the purposes of this Act every county council, as soon as conveniently practicable after the passing of this Act, and annually thereafter at the meeting for the election of chairman, shall appoint, under Article thirty-six of the Schedule to the Local Government (Application of Enactments) Order, 1896, a standing committee not exceeding one fourth of their whole body.

(2) For the purpose of any business under this Act relating to a county electoral division the county councillor representing that division shall, if not already appointed, be an additional member of the committee.

(3) Any application under this Act to a county council shall, as of course, and without any order of the council, be referred to the standing committee, who, or any one or more members of whom, shall exercise and perform the powers and duties of the council, under the foregoing provisions of this Act, in relation to the making of inquiries, and shall report the result to the council.

(4) The expenses of a county council, or a standing committee, incurred under the foregoing provisions of this Act in relation to a rural district shall be defrayed by the council of that district.

9.—(1) At any inquiry held under or in pursuance of this Act on behalf of a county council, the person holding the inquiry shall bear any authorities or parties interested by themselves or their agents and shall hear witnesses, but shall not, except in such cases as may be prescribed, hear counsel or expert witnesses.

As to inquiries on behalf of county council.

(2) The person holding any such inquiry shall have the same powers and perform the same duties as an inspector of the Local Government Board when holding a local inquiry; and section seventeen of the Act of 1885, which provides for the closing of dwellings unfit for habitation, shall, in the case of an inquiry on behalf of a county council, apply with the substitution of such person for an inspector of the Local Government Board.

(3) The county council may make such order as they think fit, in favour of any person whose lands were proposed by an improvement scheme to be taken compulsorily, for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing the scheme at an inquiry held on behalf of the county council, and every such order may be made a rule of the High Court on the application of any person named therein.

A.D. 1904.

Regulations
as to letting
of cottages
and allot-
ments.

10.—(1) The rural district council shall make regulations with respect to the letting of cottages and allotments under the Labourers Acts, and for preventing any undue preference in the letting thereof, and generally for carrying the provisions of the said Acts into effect.

(2) Regulations under this section may, notwithstanding anything in the Labourers Acts, make provision for the temporary letting, at the best rent which can be obtained, without any premium or fine, to any person not being an agricultural labourer, of any cottage or land which is not immediately required for the purposes of the Labourers Acts.

(3) Regulations under this section shall not be of any force until they have been confirmed by the Local Government Board in like manner and subject to the like provisions as in the case of byelaws under the Public Health (Ireland) Act, 1878.

41 & 42 Vict.
c. 52.Amendment
of 3 Edw.
VII. c. 37,
s. 96, with
respect to
schemes.

11.—(1) Every scheme for the accommodation of labourers under section ninety-six of the Irish Land Act, 1903, shall be framed by the Land Commission in communication with, and with the approval of, the Local Government Board, and shall fix the amount of the purchase money of the land comprised in the scheme, and the Local Government Board may, if they think fit, after giving the district council interested an opportunity of being heard, make an Order confirming the scheme, with or without amendment.

(2) Upon such confirmation the Order shall become final and have the effect of an Act of Parliament, and shall not be subject to petition or appeal, and the confirmation by the Local Government Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the Order has been duly made, and is within the powers of this Act.

(3) Upon such confirmation the Land Commission shall make an order vesting, subject to such exceptions and reservations as are specified in the order, the fee simple of the land comprised in the scheme in the council of the rural district in which that land is situate.

(4) The district council shall thereupon carry the scheme into execution, and sections seventeen and eighteen of the Act of 1883 shall apply with respect to the purchase money of the land comprised in the scheme.

(5) Where an advance is made by the Board of Works for the purchase of any such land the Lord Lieutenant may make an order for the payment of any sum due by the district council to that

Board in respect of the advance, and upon such order being made section eighty of the Local Government (Ireland) Act, 1898, relating to imperative presentments, shall apply to that sum.

A.D. 1904.
61 & 62 Vict.
c. 37.

12.—(1) Where it appears to the Local Government Board that the council of a rural district have made default in carrying the Labourers Acts into effect, the Board may appoint an officer who shall have and exercise all the powers and perform all the duties of the district council under the Labourers Acts.

Power to Local Government Board to appoint officers on default of district councils.

(2) The remuneration and expenses of any such officer shall be fixed by the Local Government Board, and shall be payable by the council of the rural district as part of the costs incidental to carrying the scheme into execution.

13. After the share of the municipal boroughs in the Exchequer contribution mentioned in subsection two of section five of the Purchase of Land (Ireland) Act, 1891, has been ascertained, as by the said subsection is provided, the residue of the said contribution shall in each financial year be divided between the rural districts in Ireland, as nearly as may be in proportion to the number of cottages, provided under the Labourers Acts in the said several districts, in respect of which loans are for the time being outstanding, such proportion to be determined by the Local Government Board.

Amendment of 54 & 55 Vict. c. 48, s. 5 (2) (b) with respect to application of residue of Exchequer contribution.

14. The county council shall, on the request of the council of any rural district comprised in the county, or any officer appointed by the Local Government Board to perform the duties of the district council, advance out of the county fund to the latter council or such officer, as the case may be, such sums as that council or officer may require for the purpose of enabling them or him to carry the Labourers Acts into effect, and any sums so advanced shall be repaid as soon as may be to the county council out of any loan obtained by the district council for the purposes of those Acts, or, in default of any such loan being obtained, shall be raised and levied as general expenses off the rural district.

Advances to be made by county council to district councils and officers.

15. A person shall be disqualified for being elected, or chosen, or being, a member of a district council if he is the tenant to that council of a cottage or any land provided under the Labourers Acts.

Tenancy under Labourers Act to be disqualifying for membership of district council.

16. Advances under section two of the Irish Land Act, 1903, may be made for the purchase of a parcel of land comprised in an estate by an agricultural labourer who has, for a period of not less than five years immediately preceding the date of the advance, been

Advances to labourers for purchase of parcels of land.
3 Edw. VII.
c. 37.

A.D. 1904. — a tenant to a rural district council of a cottage or allotment situate in the neighbourhood of the estate, and has paid all rent due by him in respect of such tenancy.

Returns by district councils.

17. Periodical returns shall be made by the councils of rural districts at the prescribed times in each year and forwarded to the Local Government Board, containing, with respect to each rural district, the prescribed particulars including the following:—

- (a) The number of cottages and allotments provided under the Labourers Acts ;
- (b) The number of such cottages or allotments unoccupied; 10 and
- (c) The number of such cottages or allotments the rent whereof is in arrear and the total amount of such arrears.

Rules.

18.—(1) The Local Government Board may make general 15 rules for carrying into effect the Labourers Acts, and those rules may, among other things, fix the amount of any fees, and may provide for the taxation and payment of any costs, to be received, allowed, or paid, in relation to the confirmation by that Board of improvement schemes.

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(2) All rules under this section shall be published in the Dublin Gazette and laid before Parliament as soon as may be after they are made.

Construction.

19. The Labourers Acts shall, unless the context otherwise requires, be construed as if any reference therein to a Provisional 25 Order referred to an order under this Act of a county council confirming an improvement scheme, and as if any reference to the confirmation of a Provisional Order referred to the confirmation under this Act by the Local Government Board of an improvement scheme.

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Duration of Acts.

20. The Labourers Acts shall continue in force for *ten years* from the passing of this Act and until the end of the Session of Parliament next ensuing.

Definitions.

21.—(1) In this Act unless the context otherwise requires—

The expression "the Labourers Acts" means the Labourers 35 (Ireland) Acts, 1883 to 1903, and this Act ;

The expression "the Act of 1883" means the Labourers (Ireland) Act, 1883 ;

46 & 47 Vict.
c. 60.

A.D. 1904.

The expression "the Act of 1885" means the Labourers (Ireland) Act, 1885; 48 & 49 Vict. c. 77.

The expression "the Act of 1886" means the Labourers (Ireland) Act, 1886; 49 & 50 Vict. c. 59.

5 The expression "the Act of 1891" means the Labourers (Ireland) Act, 1891; 54 & 55 Vict. c. 71.

The expression "the Act of 1896" means the Labourers (Ireland) Act, 1896; 59 & 60 Vict. c. 53.

10 The expression "prescribed" means prescribed by the Local Government Board;

The expression "judge of assize" means, as respects the county of Dublin, the High Court or any judge thereof.

(2) The expression "a plot or garden" in the Labourers Acts shall be deemed to include two or more parcels of land.

15 22. This Act shall be construed as one with the Labourers (Ireland) Acts, 1883 to 1903, and may be cited with those Acts. Construction and citation.

23. This Act may be cited as the Labourers (Ireland) Short title. April, 1904.

24. This Act shall come into operation on the *first day of* Commencement of Act. April one thousand nine hundred and five.

25. The Acts specified in the schedule to this Act are hereby Repeals. repealed to the extent mentioned in the third column of that schedule.

A.D. 1904.

SCHEDULE.

ACTS REPEALED.

Section and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	In section seven, from "upon compliance" to "than a month" so far as unrepealed. Sections eight and nine.
48 & 49 Vict. c. 77.	The Labourers (Ireland) Act, 1885.	Section twelve, so far as unrepealed.
54 & 55 Vict. c. 48.	The Purchase of Land (Ireland) Act, 1891.	In section five, subsection two, from "between the counties" to the end of the subsection.
59 & 60 Vict. c. 47.	The Land Law (Ireland) Act, 1896.	Section thirty-nine.
59 & 60 Vict. c. 53.	The Labourers (Ireland) Act, 1896.	In section one, subsection six. Section eight.
3 Edw. 7. c. 37.	The Irish Land Act, 1903.	In section ninety-six, subsection two.

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